

REMARKS

Status of the claims

Claims 4-6, 8-23, 25-85, 88-176, 193 and 197-211 are pending. All grounds of rejection have been overcome by amendment of the claims or argument.

Rejection based on 35 U.S.C. § 102(b)

Claims 4-6, 8 and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Du et al. (U.S. Patent No. 4,450,272.) In particular, the 5th, 6th, 7th, 9th and 10th compounds of table III, wherein Ar₁ is phenyl, Ar₂ is piperazinyl, A is NH, Z is S and R₃ and R₄ are both hydrogen were cited as being anticipatory in the office action. A review of the cited reference suggests that the compounds relied on for the rejection are from table II, and not table III, and that the definition of Ar₂ should be "pyrazinyl" and not "piperazinyl." Therefore, this response accordingly addresses this rejection as being based on the compounds in table II, which contain a pyrazinyl ring system. If Applicants are mistaken, clarification from the Examiner is respectfully requested.

As amended, claims 4, 8, and 31 are not anticipated by Du et al. Specifically, Applicants have removed "pyrazinyl" from the definition of Ar₂. Consequently,

Applicants request that the rejection based on 35 U.S.C. § 102 (b) be withdrawn.

Rejection based on 35 U.S.C. §112, first paragraph

Claims 4-6, 8-9, 27, 31-32, and 50 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly containing new matter. The Examiner has suggested that "heterocycle" be replaced with the phrase "saturated heterocyclic ring." Applicants have adopted the Examiner's suggestion in claims 4, 5, 8, 9, 27, 31, 32, and 50.

Applicants note that claim 6 does not contain the objected to term and consequently request that the rejection of claim 6 based on 35 U.S.C. §112, first paragraph be withdrawn.

Applicants also note that in some instances, the word "heterocycle" was not amended to "saturated heterocyclic ring." See for example claim 4, where, in the definition of R₃ and R₄, the phrase "optionally substituted saturated or partially unsaturated heterocycle of from 5 to 8 atoms, which saturated or partially unsaturated heterocycle" was amended to "optionally substituted saturated heterocyclic ring or partially unsaturated heterocycle of from 5 to 8 atoms, which saturated heterocyclic ring or partially

unsaturated heterocycle..." In situations such as this, the term "heterocycle" was originally in the claim and, therefore, does not seem to present any new matter issues.

Applicants respectfully request that the rejections based on 35 U.S.C. §112, first paragraph be reconsidered and withdrawn.

Rejection based on 35 U.S.C. §112, second paragraph

Claims 4-6, 8-23, 25-85, 88-176, 193, 197-211 stand rejected under 35 USC §112, second paragraph, as being indefinite. Specifically, in claim 4 and elsewhere, the phrase "optionally substituted" is objected to as being indefinite. Applicants note that the objected to phrase is defined on pages 42-43 of the application as originally filed and that using the phrase "optionally substituted" avoids unnecessarily long claims.

Claim 193 also stands rejected because the phrase "the compound or salt is not addictive" is allegedly not clear. Applicants respectfully reiterate the arguments made in the prior response and per the Examiner's request, the Applicants are resending a copy of Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision (the American Psychiatric Association, 2000)

pages 192-198. Consequently, applicants request that the rejection based on 35 U.S.C. §112, second paragraph be withdrawn.

Information Disclosure Statement

Applicants enclose herewith copies of the references cited in the PTO Form 1449 submitted previously. Applicants further note that the reference citations on the form PTO 1449 included with the supplemental information disclosure statement (IDS) were not initialed. It is unclear as to whether the Examiner has considered those references. Applicants respectfully request that the examiner initial the reference citations on the form 1449 and provide the Applicants a copy of the initialed form 1449.

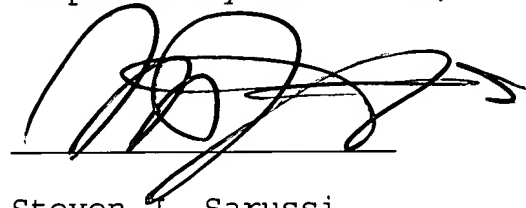
Furthermore, the Applicants are resubmitting all of the references disclosed in the original IDS. These references were not considered because certain unidentified references were apparently missing. Applicants are resending all of the references together with form PTO 1449 and request that they be considered.

Allowance of the elected claims is respectfully solicited. If the Examiner believes that discussion of the application will be helpful, the Examiner is encouraged to contact the undersigned attorney.

Respectfully submitted,

Dated: July 2, 2003

By:

A handwritten signature in dark ink, appearing to read 'S. Sarussi', written over a horizontal line.

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